

## ILLINOIS POLLUTION CONTROL BOARD

### MINUTES OF REGULAR BOARD MEETING SEPTEMBER 18, 1997 CHICAGO, ILLINOIS - 10:30 A.M.

After calling the meeting to order, Chairman Manning welcomed members of the public and staff to the meeting. Thereafter, the Clerk was asked for a roll call and all Board Members answered present.

Minutes of the September 4, 1997 Board Meeting were approved by a vote of 7-0.

In R97-21, RCRA Update, USEPA Regulations (July 1 through December 31, 1997); R98-3, UIC Update, USEPA Regulations (January 1 through June 30, 1997); R98-5, RCRA Update, USEPA Regulations (January 1 through June 30, 1997), an Order consolidating the three identical-in-substance update dockets and setting forth reasons for delay as to the adoption of the Resource Conservation and Recovery Act of 1976, was adopted by a vote of 7-0. **(KMH)**

In R95-25, Conforming Amendments for the Great Lakes Initiative: 35 Ill. Adm. Code 302.101, 302.105, 302.Subpart E, 303.443, and 304.222, an Order granting the motions for leave to file comments, to supplement the record, and to accept language changes, and ruling on the motions to establish a subdocket reserved, was adopted by a vote of 6-0. Board Member K.M. Hennessey abstained. **(GTG)(CAM)(JY)**

In R97-28, Site-Specific Petition of Mobil Oil Corporation for Relief from 35 Ill. Adm. Code 304.122, Ammonia Nitrogen Effluent Standards, a Proposed Rule, First Notice, Opinion and Order, was adopted by a vote of 5-1. Board Member J. Theodore Meyer dissented, and Board Member K.M. Hennessey abstained. **(RCF)**

In R97-31, Wood Furniture Coating Amendments to 35 Ill. Adm. Code Parts 211, 218, and 291.Subpart F, a Proposed Rule, First Notice, Opinion and Order, was adopted by a vote of 7-0. **(RCF)**

An Order granting the petitioner's motion for leave to file instanter an amended petition and then accepting the petition for hearing, was adopted in #AS 97-9, Petition of Recycle Technologies, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 720.131(c), by a vote of 7-0. **(KMH)**

An Order advising the petitioner that new sections cannot be added to the Board's regulations in an adjusted standard proceeding, but only through the rulemaking process as provided Title VII of the Environmental Protection Act, and for purposes of allowing the matter to proceed, construing the petitioner's recommended regulatory language as language requested for the adjusted standard order, noting that the Agency has not filed its response to the petitioner's amended petition, and advising the petitioner that the Board will proceed with decision in the matter as soon after filing of the Agency's response as Board resources allow, was adopted in #AS 97-10, Petition of Waste Professionals, Inc., d/b/a Pekin Landfill, for an Adjusted Standard

from 35 Ill. Adm. Code Part 814, Subpart D, by a vote of 6-0. Board Member K.M. Hennessey abstained. **(RCF)**

An Opinion and Order was adopted in #AS 98-1, Petition of Carus Chemical Company for an Adjusted Standard from 35 Ill. Adm. Code Part 814.Subpart D, by a vote of 6-1. Board Member J. Theodore Meyer dissented. **(GTG)**

An Opinion and Order was adopted in #97-228, Waste Professionals, Inc., d/b/a Pekin Landfill v. IEPA, by a vote of 6-1. Board Member J. Theodore Meyer dissented. **(RCF)**

An Opinion and Order was adopted in #AC 97-41, County of Will v. Utilities Unlimited, Inc., and Charles Petrekis, Sr., d/b/a Utilities Unlimited, Inc., by a vote of 7-0. **(JTM)**

A Default Order finding that the respondent violated Sections 21(p)(1), (p)(3) and (p)(4) of the Environmental Protection Act, and assessing a \$1,500.00 penalty, was adopted in #AC 98-5, County of Will v. Edward Fogarty, by a vote of 7-0. **(CAM)**

Because a petition for review was filed by the respondent, this administrative citation was accepted for hearing: #98-8, County of Will v. William Hunter.

An Order directing the Clerk of the Board to cause publication of the required newspaper notice of a motion for relief from hearing requirement, was adopted in #94-83, People of the State of Illinois v. George Ribble, by a vote of 7-0. **(McF)**

An Order granting respondent's motion for reconsideration, and upon reconsideration, staying the proceedings pending resolution of the federal lawsuit, and vacating that portion of the Board's July 10, 1997 order consolidating PCB 96-180 and PCB 97-11, was adopted in ##96-180, - 97-11, Environmental Site Developers, Inc. v. White & Brewer Trucking, Inc., and People of the State of Illinois v. White & Brewer Trucking, Inc., by a vote of 6-0. Board Member K.M. Hennessey abstained. **(McF)**

An Order directing the Clerk of the Board to cause publication of the required newspaper notice of a motion to request relief from hearing requirement, was adopted in #96-263, People of the State of Illinois v. Field Container Company, Ltd., and Field Container Management Corporation, by a vote of 7-0. **(McF)**

An Order accepting the joint status report, granting the joint motion for stay of the proceedings until October 20, 1997, ordering that the parties submit another status report advising the Board of the status of the parties' negotiations towards a resolution of the matter, and advising the parties that in the event additional stays are needed, such requests should be directed to the hearing officer who was authorized by the Board to rule on such motions, was adopted in #97-23, The City of Lockport v. IEPA, by a vote of 6-0. Board Member K.M. Hennessey abstained. **(JY)**

Respondent's motion for an extension of time to file a motion to dismiss in #97-30, People of the State of Illinois v. Shell Oil Company, was handled by the hearing officer.

An Order denying the respondent's motion to dismiss and ordering the case to hearing on the merits of the allegations contained in the complaint, was adopted in #97-92, People of the State of Illinois v. Victor G. Heuermann, by a vote of 6-0. Board Member K.M. Hennessey abstained. **(CAM)**

An Order granting the complainant's motion for reconsideration, and upon reconsideration, replaced its September 4, 1997 order in its entirety, was adopted in #97-127, People of the State of Illinois v. Pettibone Corporation, by a vote of 7-0. **(JTM)**

An Order granting the petitioner's motion to dismiss, was adopted in ##97-142, - 152, Scott-Morgan CUSD #2 v. IEPA, by a vote of 7-0. **(KMH)**

An Order construing the parties' stipulation for dismissal as a motion to withdraw the complaint and closing the docket, was adopted in #97-143, Jeffrey J. Webb v. The City of Anna, by a vote of 6-0. Board Member K.M. Hennessey abstained. **(RCF)**

An Order denying the respondent's motion for summary judgment, and directing that the matter proceed to hearing, was adopted in #97-174, Bernice Loschen v. Grist Mill Confections, Inc., by a vote of 7-0. **(JY)**

An Order denying the petitioner's motion for reconsideration of the Board's July 10, 1997 order, was adopted in #97-194, Department of the Navy, Naval Training Center Great Lakes v. IEPA and R. Lavin & Sons, Inc., by a vote of 6-0. Board Member K.M. Hennessey abstained. **(CAM)**

An Order granting the petitioner's motion for leave to file its amended petition and restated affidavit of Jon D. Stewart, declining to accept the petitioner's waiver of hearing, and accepting the matter for hearing as required by 35 Ill. Adm. Code 106.604(a), was adopted in #97-199, Tri Star Marketing, Inc. v. IEPA, by a vote of 7-0. **(RCF)**

As Order directing the Clerk of the Board to cause publication of the required newspaper notice of a motion for relief from hearing requirement, was adopted in #97-225, People of the State of Illinois v. Heartland Pork Enterprises, Inc., by a vote of 6-0. Board Member K.M. Hennessey abstained. **(CAM)**

An Order granting the petitioner's motion for leave to file instanter its response to the Agency's recommendation, and noting that in its response the petitioner waived the decision deadline in the case for an additional sixty days, making the new decision deadline for the case December 28, 1997, was adopted in #98-1, City of Salem v. IEPA, by a vote of 7-0. **(McF)**

An Order dismissing and closing the docket due to the petitioner's failure to timely file its petition for review, was adopted in #98-3, Wheelabrator Water Technologies, Inc. v. IEPA, by a vote of 7-0. (CAM)

An Order granting the complainant's motion to voluntarily dismiss and closing the docket, was adopted in #98-9, Edward Malina v. Emro Marketing Company and Marathon Oil Company, by a vote of 7-0. (CAM)

An Order dismissing and closing the docket due to the petitioner's failure to timely file its petition for review, was adopted in #98-16, Evergreen Plaza Associates v. IEPA, by a vote of 7-0. (CAM)

An Order extending the 35-day appeal period, reserving the docket for any appeal which may be filed by the petitioner, noting that in the event the petitioner fails to file an appeal on or before October 31, 1997, the Board will dismiss the docket, and advising the petitioner that a \$75.00 filing fee will be required at such time as the petitioner files a petition for review, was adopted in #98-36, OK Service Center v. IEPA, by a vote of 7-0. (CAM)

A mandatory hearing will be held in #98-37, People of the State of Illinois v. American Waste Processing, Ltd..

An Order accepting the matter for hearing, was adopted in #98-38, ESG Watts, Inc. v. IEPA, by a vote of 7-0. (CAM)

An Order extending the 35-day appeal period, reserving the docket for any appeal which may be filed by the petitioner, noting that in the event the petitioner fails to file an appeal on or before November 10, 1997, the Board will dismiss the docket, and advising the petitioner that a \$75.00 filing fee will be required at such time as the petitioner files a petition for review, was adopted in #98-39, W.E.S. Enterprises, Inc. v. IEPA, by a vote of 7-0. (CAM)

An Order consolidating the matters on the Board's own motion, and accepting the matters for hearing, was adopted in ##98-40, - 41, James Fisher and Holly Fisher v. IEPA, by a vote of 7-0. (CAM)

#### ADDENDUM

An Order directing the Clerk of the Board to cause publication of the required newspaper notice of an agreed motion to request relief from the hearing requirement, was adopted in # 97-130, People of the State of Illinois v. Big O, Inc., by a vote of 7-0. (JTM)

An Order granting the petitioner's motion to dismiss and closing the docket, was adopted in #98-19, Chicago Sun-Times, Inc. v. IEPA, by a vote of 7-0. (CAM)

## AGENDA

These regulatory matters were discussed and held for further discussion or possible decision: R97-12(B), Tiered Approach to Corrective Action Objectives (T.A.C.O.): Amendments to 35 Ill. Adm. Code 742, Proposed Rule, Second Notice, Opinion and Order; R97-13, Emissions Reduction Market System Adoption of 35 Ill. Adm. Code 205, Proposed Rule, Second Notice, Opinion and Order.

This case was discussed and held for further discussion or possible decision: #PCB 96-53, David and Susi Shelton v. Steven and Nancy Crown.

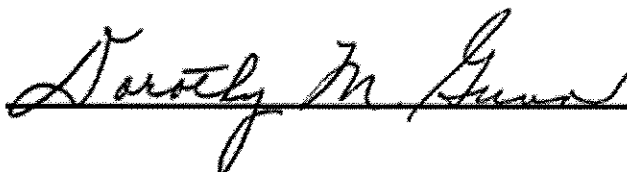
A motion to schedule closed deliberative sessions on September 24, 1997 at 1:00 p.m., and September 25, 1997 at 10:30 a.m., carried by a vote of 7-0.

By a vote of 7-0, the following Board Meeting schedule was adopted for calendar year 1998: January 8 and January 22; February 5 and February 19; March 5 and March 19; April 2 and April 16; May 7 and May 21; June 4 and June 18; July 9 and July 23; August 6 (in Springfield) and August 20; September 3 and September 17; October 1 and October 15; November 5 and November 19; December 3 and December 17, 1998.

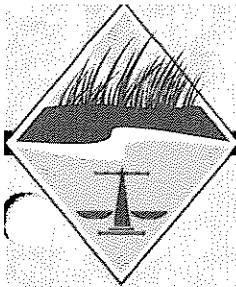
All other matters not disposed of as listed were held.

There being no further business, Chairman Manning adjourned the meeting at 11:20 a.m..

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were adopted this 2nd day of October 1997, by a vote of 7-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn". The signature is written in black ink and is positioned above a solid horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board



# ILLINOIS POLLUTION CONTROL BOARD

JRTC ♦ 100 W. Randolph ♦ Suite 11-500 ♦ Chicago, IL 60601 ♦ 312-814-3620 ♦ Fax 312-814-3669

## REGULAR BOARD MEETING AGENDA SEPTEMBER 18, 1997 CHICAGO, ILLINOIS CONFERENCE ROOM 9-040 10:30 A.M.

### GOVERNOR

Honorable Jim Edgar



### CHAIRMAN

Claire A. Manning  
Springfield

### MEMBERS

Ronald C. Fernal  
DeKalb

G. Tanner Girard  
Grafton

Kathleen M. Hennessey  
Chicago

Marili McFawn  
Inverness

J. Theodore Meyer  
Chicago

Joseph C. Yi  
Park Ridge



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Fax 815-753-1970



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TDD 312-814-6032



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## ADDENDUM

### ADMINISTRATIVE CITATIONS

AC 97-41 County of Will v. Utilities Unlimited, Inc., (JTM)  
Charles Petrekis, Sr., d/b/a Utilities Unlimited,  
Inc. - Letter/Motion to Reconsider July 24, 1997  
Interim Opinion and Order (9/17)

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### MOTIONS AND OTHER MATTERS

98-19 Chicago Sun-Times, Inc. V. IEPA - Petitioner's (CAM)  
P-A, 90- Motion to Dismiss (9/16)  
Day Ext.

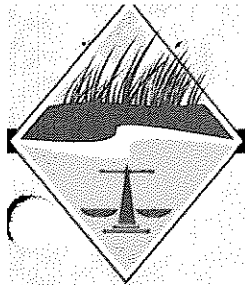
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97-130 People of the State of Illinois v. Big O, Inc. - (JTM)  
A-E Agreed Motion to Request Relief from the  
Hearing Requirement (9/17)

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97-174 Bernice Loschen v. Grist Mill Confections, Inc. (JY)  
A-E, Complainant's Response to Motion for  
Citizens Summary Judgment and Complainant's Request  
that Hearing Proceed (9/17)

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## GOVERNOR

Honorable Jim Edgar



## CHAIRMAN

Claire A. Manning  
Springfield

## MEMBERS

Ronald C. Fiemal  
DeKalb

G. Tanner Girard  
Grafton

Kathleen M. Hennessey  
Chicago

Marili McFawn  
Inverness

J. Theodore Meyer  
Chicago

Joseph C. Yi  
Park Ridge



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## REGULAR BOARD MEETING AGENDA SEPTEMBER 18, 1997 CHICAGO, ILLINOIS CONFERENCE ROOM 9-040 10:30 A.M.

### Announcements

*The Pollution Control Board welcomes the public to this open meeting. During the meeting itself, only the Board members or staff that are recognized by the Chairman are allowed to speak. If you have any questions about anything that occurred at the meeting, please feel free, after the meeting, to direct your questions to any one of the many staff members in attendance.*

*Appearance of an item on the agenda does not guarantee that the Board will take action on that item, since the Board may decide to hold the item over for additional review and action at a later meeting. Dates of future meetings of the Board appear on the last page of this agenda. Thank you for your interest.*

### Roll Call

### Minutes

September 4, 1997

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## REGULATIONS AND ADJUSTED STANDARDS

R97-21      In the Matter of: RCRA Update, USEPA Regulations (July 1 through December 31, 1996); In the Matter of: UIC Update, USEPA Regulations (January 1 through June 30, 1997); In the Matter of: RCRA Update, USEPA Regulations (January 1 through June 30, 1997) - Order      (KMH)

R98-3

R98-5

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R97-25      In the Matter of: Conforming Amendments for the Great Lakes Initiative: 35 Ill. Adm. Code Part 302.101, 302.105, 302.Subpart E, 303.334 and 304.222 - Agency Motion for Leave to File      (GTG)

R, Water      Instant a Motion to Accept Filing of Language Changes and Motion to Supplement Record (9/2), Illinois Environmental Regulatory Group's Motion to Establish Subdocket and Motion to Supplement Record (9/4), Agency Motion to File Instant Post Hearing Comments (9/10), Department of the Navy's Motion for Leave to File Instant and Withdrawal of Motion for Extension of Time (9/11), Attorney General's Motion for Leave to File Comments Instant (9/11), Lake Michigan Federation and Sierra Club's Motion for Leave to File Comments Instant (9/12), Agency Response to Motion to Establish Subdocket (9/12)      (CAM)  
(JY)

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R97-28      In the Matter of: Site-Specific Petition of Mobil Oil Corporation for Relief From 35 Ill. Adm. Code 304.122, Ammonia Nitrogen Effluent Standards - Proposed Rule, First Notice, Opinion and Order      (RCF)

R, Water

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R97-31      In the Matter of: Wood Furniture Coating Amendments to 35 Ill. Adm. Code Parts 211, 218, and 219.Subpart F - Proposed Rule, First Notice, Opinion and Order      (RCF)

R, Air

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## REGULATIONS AND ADJUSTED STANDARDS (Cont'd)

AS 97-9      In the Matter of: Petition of Recycle Technologies, Inc. for an      (KMH)  
Land      Adjusted Standard from 35 Ill. Adm. Code 720.131(c) -  
Petitioner's Petition for Leave to File Instantly an Amended  
Petition for Determining Whether a Material Is a Solid Waste  
(9/11), Agency Response to Petitioner's Petition for Leave to File  
Instantly an Amended Petition for Determining Whether a Material  
Is a Solid Waste (9/16)

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AS 97-10      In the Matter of: Petition of Waste Professionals, Inc., d/b/a Pekin      (RCF)  
Landfill, for an Adjusted Standard from 35 Ill. Adm. Code Part  
814, Subpart D - Petitioner's Amended Petition (9/8)

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AS 98-1      In the Matter of: Petition of Carus Chemical Company for an      (GTG)  
Land      Adjusted Standard from 35 Ill. Adm. Code Part 814, Subpart D

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AS 98-2      In the Matter of: Petition of City of Salem for an Adjusted      (McF)  
Land      Standard from 35 Ill. Adm. Code Part 814, Subpart D - Hold for  
Certificate of Publication - No Order

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## DECISIONS

97-228      Waste Professionals, Inc., d/b/a Pekin Landfill v. IEPA      (RCF)  
L-V

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## ADMINISTRATIVE CITATIONS

AC 97-41      County of Will v. Utilities Unlimited, Inc., and Charles Petrekis,      (JTM)  
Sr., d/b/a Utilities Unlimited, Inc. - Opinion and Order

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AC 98-5      County of Will v. Edward Fogarty - Default Order      (CAM)

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## ADMINISTRATIVE CITATIONS (Cont'd)

AC 98-8      County of Will v. William Hunter - Accept for Hearing - No Order

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## MOTIONS AND OTHER MATTERS

93-80            Indian Prairie Community Unit School District No. 204 v. IEPA -            (JTM)  
UST-FRD      Petitioner's Motion for Summary Judgment and Memorandum of  
Law in Support of its Motion for Summary Judgment (8/22)

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93-191            People of the State of Illinois v. Lloyd Weimann d/b/a Weimann            (CAM)  
UST-E          Ice and Fuel, Texaco Refining and Marketing, Inc., and Eugene  
and Cheryl Halbrooks - Respondent Texaco Refining and  
Marketing, Inc.'s Motion for Entry of Sanctions Against  
Respondent Lloyd Weimann d/b/a Weimann Ice & Fuel (6/16),  
Respondent Lloyd Weimann's Objection to Motion for Sanctions  
and Motion for Stay or Extension of Time (8/4), Respondent  
Texaco Refining and Marketing, Inc.'s Motion to Strike the  
Appearance of Hodge & Dwyer for Respondent Lloyd Weimann  
d/b/a Weimann Ice and Fuel (8/6), Respondent Texaco Refining  
and Marketing, Inc.'s Motion to Strike or Deny the Objection of  
Lloyd Weimann d/b/a Weimann Ice and Fuel to Texaco's Motion  
for Sanctions (8/6), Complainant's Motion to Clarify Caption (9/5)

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94-83            People of the State of Illinois v. George Ribble - Motion for Relief            (McF)  
L-E              from Hearing Requirement (9/12)

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96-180)            Environmental Site Developers, Inc. v. White & Brewer Trucking,            (McF)  
97-11)            Inc. - Complainant's Motion for Partial Summary Judgment and  
Memorandum in Support of Motion for Partial Summary Judgment  
W-E,              (12/9), Respondent's Response to Motion for Partial Summary  
Citizens          Judgment (1/14), Respondent's Amended Response to Motion for  
Partial Summary Judgment (2/28), Petitioner's Reply Regarding  
Motion for Partial Summary Judgment (8/4), Respondent's Motion  
to Reconsider Board's July 10, 1997 Order and Memorandum of  
Law in Support of Motion to Reconsider (8/18), Complainant's  
Response to Respondent's Motion to Reconsider (8/21)

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**MOTIONS AND OTHER MATTERS (Cont'd)**

96-263      People of the State of Illinois v. Field Container Company, Ltd.      (McF)  
A-E      and Field Container Management Corporation - Motion to Request  
relief from Hearing Requirement (9/8)

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96-265      Edward M. Pearl v. Bicoastal Corporation, Singer Corporation,      (JY)  
L, SW,      and Eaton Corporation - Complainant's Response to Board Order  
RCRA-E,      of May 15, 1997 (8/13)  
Citizens

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97-23      The City of Lockport v. IEPA - Joint Status Report and Joint      (JY)  
P-A,      Motion for Stay (9/8)  
NPDES

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97-30      People of the State of Illinois v. Shell Oil Company - Respondent's      (JTM)  
A-E      Motion for Extension of Time to File Motion to Dismiss (9/8)

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97-38      People of the State of Illinois v. Amsted Industries, Inc. d/b/a      (CAM)  
RCRA-E      Griffin Wheel Company, L.E. Swiderski d/b/a Griffin Wheel  
Company, and Horsehead Resource Development Company, Inc. -  
Complainant's Motion for Voluntary Dismissal Without Prejudice  
Respondents Amsted Industries, Inc. and Horsehead Resource  
Development Company, Inc. (4/24), Respondent Horsehead  
Resource Development Company's Objection to Complainant's  
Motion for Voluntary Dismissal Without Prejudice (5/5),  
Complainant's Motion for Leave to File Reply to Respondent  
Horsehead Resource Development Company's Objection to  
Motion for Voluntary Dismissal (5/8), Complainant's Response to  
Respondent's Objection to Complainant's Motion for Voluntary  
Dismissal (6/16), Respondent Horsehead Resource Development  
Company's Motion for Leave to File Reply and Reply to  
Complainant's Response to Horsehead Resource Development  
Company's Objection to Complainant's Motion for Voluntary  
Dismissal (6/25), Complainant's Objection to Respondent  
Horsehead Resource Development Company's Motion for Leave to  
File Reply (7/3)

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## MOTIONS AND OTHER MATTERS (Cont'd)

97-62 A-E	<u>People of the State of Illinois v. Geon Company</u> - Complainant's Motion to Strike Affirmative Defenses of Respondent (7/11), Respondent's Motion to Dismiss the Amended Complaint or in the Alternative its Memorandum in Opposition to Complainant's Motion to Strike Affirmative Defenses of Respondent (7/29), Complainant's Objection to Respondent's Motion to Dismiss Amended Complaint and Response to Respondent's Memorandum in Opposition to Complainant's Motion to Strike Affirmative Defenses of Respondent (8/12)	(JTM)
97-64 EPCRA-E	<u>People of the State of Illinois v. Unique Marble Products, Inc.</u> - Complainant's Motion for Reconsideration of August 7, 1997 Order (9/16)	(JTM)
97-92 W-E	<u>People of the State of Illinois v. Victor G. Heuermann</u> - Respondent's Motion to Dismiss (7/14), Complainant's Response to Respondent's Motion to Dismiss (7/18), Respondent's Motion for Leave to File Reply Brief and Reply to Complainant's Response to Motion to Dismiss (7/23), Complainant's Motion for Leave to File Objections to Respondent's Reply Instanter and Complainant's Objection to Respondent's Reply (8/1)	(CAM)
97-127 EPCRA-E	<u>People of the State of Illinois v. Pettibone Corporation</u> - Complainant's Motion to Reconsider September 4, 1997 Board Order (9/15)	(JTM)
97-142) 97-152)	<u>Scott-Morgan CUSD #2 v. IEPA</u> - Petitioner's Motion to Dismiss (9/12)	(KMH)
97-143 W-E, Citizens	<u>Jeffrey J. Webb v. The City of Anna</u> - Stipulation for Dismissal and Order for Dismissal (9/8)	(RCF)

## MOTIONS AND OTHER MATTERS (Cont'd)

97-148 L-E, Citizens	<u>Marilyn J. Richey v. Texaco Refining and Marketing, Inc.</u> - Motion of Respondent Texaco Refining and Marketing, Inc. for Reconsideration (8/29)	(GTG)
97-174 A-E, Citizens	<u>Bernice Loschen v. Grist Mill Confections, Inc.</u> - Respondent's Motion for Summary Judgment (9/4), Complainant's Motion for Extension of Time to File Response to Respondent's Motion for Summary Judgment (9/15)	(JY)
97-194 P-A, NPDES 3 <sup>rd</sup> -Party	<u>Department of the Navy, Naval Training Center Great Lakes v. IEPA and R. Lavin &amp; Sons, Inc.</u> - Petitioner's Motion for Reconsideration, Memorandum in Support of its Motion for Reconsideration (8/13), Response of the Illinois Environmental Protection Agency in Opposition to the Department of the Navy's Motion for Reconsideration, Memorandum in Support of Response of the Illinois Environmental Protection Agency in Opposition to the Department of the Navy's Motion for Reconsideration (8/27), R. Lavin & Sons, Inc.'s Response to the Department of the Navy's Motion for Reconsideration (8/27), Petitioner's Motion to File Reply to Respondents' Memoranda in Opposition to the Petitioner's Motion for Reconsideration (9/4)	(CAM)
97-199 WWS	<u>Tri Star Marketing, Inc. v. IEPA</u> - Amended Petition for Water Well Setback Exception (8/14), Petitioner's Motion for Leave to File Amended and Restated Affidavit of Jon D. Stewart and Waiver of Hearing (9/8)	(RCF)
97-207 A&L-E	<u>People of the State of Illinois v. Inspiration Development Company</u> - Respondent's Motion for an Order (6/30), Respondent's Brief in Support of its Motion to Dismiss (7/1), Complainant's Response to Respondent's Motion to Dismiss (7/3), Respondent's Motion for Leave to File Reply to Complainant's Response to its June 26, 1997 Motion (7/14), Complainant's Response to Respondent's Motion to Stay (7/16)	(CAM)

**MOTIONS AND OTHER MATTERS (Cont'd)**

97-217      People of the State of Illinois v. Bigelow Group, Inc. -      (McF)  
W-E      Respondent's Motion to Dismiss (8/27)

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97-225      People of the State of Illinois v. Heartland Pork Enterprises, Inc. -      (CAM)  
W-E      Motion for Relief from Hearing Requirement (9/4)

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98-1      City of Salem v. IEPA - Petitioner's Motion for Leave to File      (McF)  
L-V      Instanter Petitioner's Response to the Agency's Recommendation  
and Response to Agency Recommendation (9/12)

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98-3      Wheelabrator Water Technologies, Inc. v. IEPA - Dismissal Order      (CAM)  
UST-  
Appeal, 90-  
Day Ext.

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98-9      Edward Malina v. Emro Marketing Company and Marathon Oil      (CAM)  
UST-E,  
Citizens      Company - Respondents' Motion for Additional Continuance (9/4),  
Complainant's Motion to Voluntarily Dismiss (9/16)

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98-16      Evergreen Plaza Associates v. IEPA - Dismissal Order      (CAM)  
UST-  
Appeal, 90-  
Day Ext.

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98-24      White Cap, Inc. v. IEPA - Agency Motion to Dismiss (8/19),      (JTM)  
A-V      Petitioner's Response to the Agency's Motion to Dismiss (8/26),  
Petitioner's Motion to Change the Effective Date of the Variance  
(9/12)

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98-31      Roy K. Johnson v. ADM-Demeter, Hoopeston Division and the      (KMH)  
A & N-E,  
Citizens      City of Hoopeston - Awaiting Duplicitous/Frivolous Determination  
**(See Respondent ADM's Motion for Extension of Time filed  
8/28 and City of Hoopeston's Motion to Dismiss Because the  
Complaint is Duplicitous and Frivolous filed 9/11)**

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## MOTIONS AND OTHER MATTERS (Cont'd)

98-36 UST- Appeal, 90- Day Ext.	<u>OK Service Center v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (9/4) - Order	(CAM)
98-37 RCRA-E	<u>People of the State of Illinois v. American Waste Processing, Ltd.</u> - Hearing Mandatory - No Order	
98-38 P-A, Land	<u>ESG Watts, Inc. v. IEPA</u> - Accept for Hearing Order	(CAM)
98-39 UST- Appeal, 90- Day Ext.	<u>W.E.S. Enterprises, Inc. v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (9/12) - Order	(CAM)
98-40 UST-FRD	<u>James Fisher and Holly Fisher (November 1, 1996 to December 31, 1996) v. IEPA</u> - Accept for Hearing Order	(CAM)
98-41 UST-FRD	<u>James Fisher and Holly Fisher (January 1, 1997 to March 31, 1997) v. IEPA</u> - Accept for Hearing Order	(CAM)

## CASES PENDING DECISION

R97-12(B) R, Land	<u>In the Matter of: Tiered Approach to Corrective Action Objectives (T.A.C.O.): Amendments to 35 Ill. Adm. Code 742</u> - Proposed Rule, Second Notice, Opinion and Order	(McF) (JY)
R97-13 R, Air	<u>In the Matter of: Emissions Reduction Market System Adoption of 35 Ill. Adm. Code 205</u> - Proposed Rule, Second Notice, Opinion and Order	(KMH) (JY) McF

**CASES PENDING DECISION (Cont'd)**

96-53            David and Susi Shelton v. Steven and Nancy Crown            (GTG)  
N-E,  
Citizens

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Motion to schedule Closed Deliberative Session on September 25,  
1997 at 10:30 A.M.

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**ADOPTION OF 1998 BOARD MEETING SCHEDULE**

January 8	July 9
January 22	July 23
February 5	August 6 (meeting in Springfield)
February 19	August 20
March 5	September 3
March 19	September 17
April 2	October 1
April 16	October 15
May 7	November 5
May 21	November 19
June 4	December 3
June 18	December 17

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**ADJOURNMENT**



**LIST OF NEW CASES FILED SINCE SEPTEMBER 4, 1997 BOARD MEETING**

98-36	OK Service Center v. IEPA
98-37	People of the State of Illinois v. American Waste Processing, Ltd.
98-38	ESG Watts, Inc. v. IEPA
98-39	W.E.S. Enterprises, Inc. v. IEPA
98-40	James Fisher and Holly Fisher v. IEPA
98-41	James Fisher and Holly Fisher v. IEPA

**REGULAR BOARD MEETING SCHEDULE FOR CALENDAR YEAR 1997**

October 2  
October 16 \*

November 6  
November 20

December 4  
December 18

**NOTE: All Board Meetings held in Chicago will be held in Conference Room 9-040. Those noted with an asterisk will be held in Conference Room 9-031.**

**CASE TYPE CODES:**

3d P	Third Party Action	A-C	Administrative Citation
A-E	Air Enforcement	A-S	Adjusted Standard
A-V	Air Variance	CSO	Combined Sewer Overflow Exception
GW	Groundwater	HW Delist RCRA	Hazardous Waste Delisting
L-E	Land Enforcement	L-S-R	Landfill Siting Review
L-V	Land Variance	MW	Medical Waste (Biological Materials)
N-E	Noise Enforcement	N-V	Noise Variance
P-A	Permit Appeal	PWS-E	Public Water Supply Enforcement
PWS-V	Public Water Supply Variance	R	Regulatory Proceeding
RCRA	Resource Conservation and Recovery Act proceeding (hazardous waste only)	S0 <sub>2</sub>	S0 <sub>2</sub> Alternative Standards (35 ILL. ADM. CODE 302.211(f))
SWH-E	Special Waste Hauling Enforcement	SWH-V	Special Waste Hauling Variance
T	Thermal Demonstration Rule	T-C	Tax Certifications
T-S	Trade Secrets	UST-Appeal	Underground Storage Tank Corrective Action Appeal
UST-E	Underground Storage Tank Enforcement	UST-FRD	Underground Storage Tank Fund Reimbursement Determination
W-E	Water Enforcement	W-V	Water Variance
WWS	Water-Well Setback Exception		